

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

CRAIG WINKEY

v.

UNITED STATES OF AMERICA

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CIVIL NO. CCB-11-2017

Criminal No. CCB-06-0207

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MEMORANDUM

Federal prison inmate Craig Winkey has filed a motion under 28 U.S.C. § 2255 to vacate the 140-month sentence imposed by this court on August 13, 2010 following his guilty plea to conspiracy to distribute more than 50 grams of cocaine. Winkey claims that his experienced defense counsel, Kenneth W. Ravenell, was ineffective in not advising him to note an appeal and that Assistant U.S. Attorney Debra L. Dwyer violated the plea agreement. Neither argument has any merit.

Mr. Ravenell in fact negotiated a favorable plea agreement for his client, with an agreed disposition of 188 months despite Winkey's career offender status, which indicated a range of 262 to 327 months. AUSA Dwyer agreed to this more reasonable sentence in the plea agreement and also agreed that Winkey could request resentencing if the Fair Sentencing Act of 2010 was in fact passed. By the time of sentencing, the Fair Sentencing Act had been passed. Whether it applied retroactively had not been decided. Mr. Ravenell nonetheless was permitted to argue for a lower sentence and the court imposed a sentence of 140 months, taking into account that the crack cocaine guidelines had been lowered.

In short, there was no basis to appeal, the government did not violate the plea agreement, and Mr. Ravenell provided excellent, rather than ineffective, representation.

A separate Order denying the motion to vacate follows.

January 30, 2012
Date

/s/
Catherine C. Blake
United States District Judge